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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
v.	)	2:12-CR-066-APG-(CWH)
	)	
EARL GROSS,	)	
	)	
Defendant.	)	

**THE UNITED STATES OF AMERICA’S MOTION TO REPLACE THE SEALED EX PARTE  
MOTION TO SUBSTITUTE AND TO FORFEIT PROPERTY OF EARL GROSS (ECF NO. 91)  
AND SUBSTITUTION AND FORFEITURE ORDER (ECF NO. 93)  
WITH A REDACTED MOTION AND ORDER**

The United States of America (“United States”), by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully requests this Court to replace the United States of America’s Sealed Ex Parte Motion to Substitute and to Forfeit Property of Earl Gross (ECF No. 91) and the Substitution and Forfeiture Order (ECF No. 93), which were filed under seal on or about December 16, 2013, with a redacted Motion and Substitution and Forfeiture Order. See attached Exhibits 1 and 2. The United States filed the Motion under seal because it feared that if the Motion was served on the other party before the substitute assets

1 were taken into custody, the assets in the accounts would disappear and because of the personal  
2 identifying information. The Federal Bureau of Investigation seized the substitute assets in the accounts  
3 on December 20, 2013, and December 23, 2013.

4 Fed. R. Crim. P. 49.1 protects social security numbers, taxpayer-identification numbers, birth  
5 dates, and financial-account numbers. Fed. R. Crim. P. 49.1(a). The Sealed Ex Parte Motion to  
6 Substitute and to Forfeit Property of Earl Gross (ECF No. 91) and the Substitution and Forfeiture Order  
7 (ECF No. 93) used the above-named numbers to identify the accounts which were seized. Although  
8 “[t]he redaction requirement does not apply to . . . a financial-account number or real property address  
9 that identifies the property allegedly subject to forfeiture in a forfeiture proceeding...” (Fed. R. Crim. P.  
10 49.1(b)(1)), in an abundance of caution, the United States requests the Motion and the Order to protect  
11 Earl Gross’ personal identifying information.

12 Fed. R. Crim. P. 49.1(d) authorizes this Court to file a redacted Sealed Ex Parte Motion to  
13 Substitute and to Forfeit Property of Earl Gross and the Substitution and Forfeiture Order for the public  
14 record. Fed. R. Crim. P. 49.1(d). The court retains the unredacted Motion and Order under seal as part of  
15 the record. Fed. R. Crim. P. 49.1(f). By filing the attached redacted Motion and Order, the public will  
16 have some knowledge concerning this case, but the sensitive numbers will be protected. The United  
17 States will serve the potential claimants the redacted Motion and Order and file the redacted Motion and  
18 Order with the service of process return.

19 For these reasons, this Court should replace the Sealed Ex Parte Motion to Substitute and to  
20 Forfeit Property of Earl Gross (ECF No. 91) and the Substitution and Forfeiture Order (ECF No. 93) with

21 ...

22 ...

23 ...

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25 ...

26 ...

1 the attached Redacted Motion and Order, authorize the service of the redacted Motion and Order on the  
2 potential claimants, and authorize the use of the redacted Motion and Order for the service of process  
3 return.

4 DATED this 22nd day of January, 2014.

DANIEL G. BOGDEN  
United States Attorney

6  
7 /s/ Daniel D. Hollingsworth  
8 DANIEL D. HOLLINGSWORTH  
Assistant United States Attorney

9 IT IS SO ORDERED.

10   
11 UNITED STATES DISTRICT JUDGE

12 DATED: January 28, 2014